

Remarks

Applicant thanks Examiner Coulter for the courtesies extended during the telephone conference on August 9, 2005. Applicants further thank the examiner for agreeing to reconsider the decision to withdraw newly added claims 37-72.

No claims are currently pending in this application. In view of the following remarks, re-instatement of claims 37-72 is requested. If the Examiner believes, for any reason, that a personal communication will expedite prosecution of this application or resolve any existing issues, the Examiner is invited to telephone the undersigned attorney at the number provided.

Election by Original Presentation

In the Official Communication, the Examiner asserts that claims 37-72, which were newly added by the Amendment filed March 14, 2005, are directed to an invention that is independent or distinct from the invention originally claimed. More particularly, the Examiner alleges that claims 37-72 are a subcombination of originally filed claims 1-36.

Applicants respectfully disagree with the Examiner's assertion on the grounds that the newly added claims do not form a separate invention that is patentably distinct from originally filed claims 1-36. It should not matter that Applicants chose to present claim amendments by adding a new claim set rather than making changes to the originally filed claims. While new claims 37-72 include several elements that were not originally included in claims 1-36, this would remain the case had Applicants decided to merely amend pre-existing claims 1-36.

Specifically, original claim 1 reads as follows:

A method of operating an e-mail application via networkable media in a wireless client device, comprising the steps of:
selecting at least one e-mail option for execution on the wireless client device; and
using the e-mail application to communicate transmissible media content via a wireless medium based on the at least one e-mail option.

Claim 37 reads:

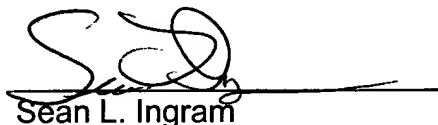
A method of accessing a first application and a second application via a wireless client device, the method comprising:

receiving, via a wireless medium, a first application option selected on the wireless client device;
executing a first application action with the first application that corresponds to the first application option, wherein a first application content is generated by the first application in executing the first application action;
transmitting the first application content to the wireless client device via the wireless medium;
receiving, via the wireless medium, a second application option selected on the wireless client device subsequent to the execution of the first application action;
executing a second application action with the second application that corresponds to the second application option, wherein a second application content is generated by the second application in executing the second application action,
transmitting the second application content to the wireless client device via the wireless medium;
receiving, via the wireless medium, a return option selected on the wireless client device; and
enabling a user to toggle between the first application and the second application without losing content in response to receiving the return option.

As has been highlighted in the listing of claims 1 and 37 provided above, although differences between claims 1 and 37 exist, claim 37 includes recitations that correspond to the subject matter of claim 1. Therefore, although the scope of claim 37 may be different than originally filed claim 1, these differences in scope do not make the invention of claims 37-72 distinct from the subject matter of claims 1-36. Accordingly, claims 37-72 should be reinstated and the claims should be examined on their merits.

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Respectfully submitted,



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